



UNITED STATES PATENT AND TRADEMARK OFFICE

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No. 5

ERIC L. MASCHOFF
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SALT LAKE CITY, UTAH 84111

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OFFICE OF PETITIONS

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Atty _____ File # _____
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Action _____
Response Due _____

In re Application of
Gregory C. Andrews
Application No. 09/656,076
Filed: September 6, 2000
Attorney Docket No. 14374.36

DECISION GRANTING
PETITION

This is a decision on the petition styled "Request for Corrected Filing Receipt" filed August 13, 2001, requesting that the above-identified application be accorded a filing date of September 6, 2000, rather than the presently accorded date of September 7, 2000. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on September 6, 2000 pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EL394375864US showing a handwritten "date-in" of "9-7-00" as well as a 'SLC UTAH 84147 PIONEER POSTAL STORE #7 USPS" receipt stamp of "SEP 6, 2000." The same Express Mail receipt number appears on the original "Transmittal for Patent Application," which includes the Express Mail label number. Additionally, the Express Mail label number appears on the Certificate of Mailing by "Express Mail" and includes a statement of express mailing dated September 6, 2000. The Express Mail label number also appears on the cover page for the application papers.

In view of the USPS receipt stamp of September 6, 2000 appearing on the same Express Mail label, it is apparent that the handwritten "date-in" of September 7, 2000 was a Postal clerk error. Accordingly, the evidence is convincing that the application was deposited as "Express Mail" with the USPS on September 6, 2000. The petition is granted.

This application is being forwarded to the Office of Initial Patent Examination Division for further processing with a filing date of September 6, 2000 and

issuance of a corrected filing receipt. Thereafter, the application will be forwarded to Technology Center AU 2876 for examination in due course.

Telephone inquiries concerning this matter may be directed to Frances Hicks at (703) 305-8680.

A handwritten signature in black ink, appearing to read "Beverly M. J. J. J.", is positioned above the printed name.

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
 Andrews)
)
 Serial No.: 09/656,076)
)
 Filed: September 6, 2000)
)
 For: LARGE SURFACE AREA X-RAY TUBE)
 SHIELD STRUCTURE)

REQUEST FOR CORRECTED FILING RECEIPT

Honorable Commissioner of Patents
and Trademarks
Washington, D. C. 20231

ATTENTION: Application Processing Divisions
Customer Correction Branch

Sir:

Attached is a copy of the Official Filing Receipt received from the United States Patent and Trademark Office in the above-identified application for which correction is respectfully requested.

The Official Filing Receipt incorrectly lists the filing date as September 7, 2000. However, the application was filed on September 6, 2000. Enclosed are copies of the Certificate of Express Mailing, the Express Mail Receipt for Express Mail Label No. EL394375864US, and the acknowledgement postcard, all of which indicate the filing date of September 6, 2000.

The error on the Filing Receipt was made on the part of the United States Patent and Trademark Office. Accordingly, no fee is due.

Honorable Commissioner of Patents
and Trademarks

Page 2

DATED this 6th day of August 2001.

Respectfully submitted,



ERIC L. MASCHOFF
Attorney for Applicant
Registration No. 36,596

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1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

ELM:dff

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Enclosures: Copy of Official Filing Receipt
Copy of Certificate of Express Mailing
Copy of Express Mail Receipt
Copy of Acknowledgement Postcard



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/656,076	09/07/2000	2876	1146	14374.36	12	41	4

Eric L Maschoff
Workman Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

FILING RECEIPT



0000000005497062

Date Mailed: 10/23/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Gregory C. Andrews, Sandy, UT ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/351,579 07/12/1999

Foreign Applications

If Required, Foreign Filing License Granted 10/23/2000

Title

Large surface area x-ray tube shield structure

Preliminary Class

378

Data entry by : RETTA, ZINASH

Team : OIPE

Date: 10/23/2000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

"Express Mail" Mailing Label No.: EL394375864US

Date of Deposit: September 6, 2000

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Box: PATENT APPLICATION, Assistant Commissioner for Patents, Washington, DC 20231:

- Patent Application in the name of Gregory C. Andrews for LARGE SURFACE AREA X-RAY TUBE SHEILD STRUCTURE (44 pages)
- Drawings (1 sheets)
- Assignment with Form PTO-1595 cover sheet (4 pages)
- Declaration, Power of Attorney and Petition (3 pages)
- Transmittal Letter (3 pages)
- Check No. 117464 for \$1,186.00
- Certificate of Express Mailing
- Postcard

Dated this 6th day of September 2000.

Respectfully submitted,



ERIC L. MASCHOFF
Attorney for Applicant
Registration No. 36,596

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1000 Eagle Gate Tower
60 East South Temple
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Date In 9-7-00	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$16.75
Time In 9:00 AM <input checked="" type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
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**TO THE ASSISTANT COMMISSIONER OF
PATENTS: PLEASE STAMP AND RETURN.
THANK YOU.**

SUBMITTED: Patent application; 12 sheets of formal drawings; Assignment in favor of Varian Medical Systems, Inc.; Declaration, Power of Attorney and Petition; Check No. 117464 for \$1,186.00; Transmittal letter; Certificate of Express Mailing, Postcard

APPLICANT: Gregory C. Andrews
FOR: LARGE SURFACE AREA X-RAY TUBE
SHIELD STRUCTURE

DOCKET: 14374.36

MAILED: September 6, 2000



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Andrews)
)
Serial No.:)
09/656,076)
)
Filed:)
September 6, 2000)
)
For:)
LARGE SURFACE AREA X-RAY TUBE)
SHIELD STRUCTURE)

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Honorable Commissioner of Patents and Trademarks, Washington, DC 20231, ATTENTION: Application Processing Division, Customer Correction Branch on August 6, 2001.

Respectfully submitted,



ERIC L. MASCHOFF
Attorney for Applicant
Registration No. 36,596

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Transmitted: Request for Corrected Filing Receipt (2 pages)
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